

Senator DODD himself acknowledged that the Rome Treaty creating the Court is fatally flawed, when he stated:

In fact, if, for some reason, miraculously the proposal were brought to this Senate Chamber this afternoon, and I were asked to vote on it as is, I would vote against it because it is a flawed agreement.

Also, when President Clinton signed the Rome Treaty on December 31, 2000, he stated that he would not send the treaty to the Senate for ratification and recommended that President Bush not transmit it either, given the remaining flaws in the Court.

So let me be, as the saying goes, perfectly clear. The pending amendment would shield American service people, men and women, from a court run amok. U.N. bodies often run amok. For instance, filled with dictatorships, the U.N. Human Rights Commission condemned the only democracy in the Middle East, Israel, in multiple resolutions earlier this year.

And just five weeks ago, the United Nations Conference on Racism in Durban South Africa, became an agent of hate rather than against hate. If U.N. commissions and conferences run amok, a permanent court, not subject to Security Council approval—and immune to a U.S. veto—could well turn on us, and on our democratic allies (the most likely one being Israel).

We need only to look back to the Kosovo War when the Bosnian Tribunal's chief prosecutor attempted to undertake an investigation of NATO for war crimes abuses.

Mr. President, despite the importance of this pending amendment with my sponsorship and that of others, opponents may want to hide behind procedural objections in an effort to just make our amendment go away. Unfortunately, this kangaroo court is not going away, it will be there, and the risk to our service men and women will exist as long as it is there unless we do something, as described in this amendment.

In the meantime, our Secretaries of State and Defense are telling us and the American people at the same time to get ready for a long campaign against global terrorists. We owe it, don't we, to our men and women representing this country, both in the military and in civilian agencies, to ensure their actions are not the subject of second-guessing by United Nations judicial bodies?

Mr. WARNER. Mr. President, would the Senator kindly yield for me to make this observation?

It had been the intention of the leadership of the Senate, and the managers, in order to accommodate Senators desiring to attend the briefing, to go into recess subject to the call of the Chair. Is that correct?

Mr. REID. I appreciate very much the Senator from North Carolina allowing us to interrupt. We have a number

of people attending from the administration.

Mr. HELMS. Of course. I understand.

Mr. REID. We would be happy to allow the Senator to complete his statement, and as soon as that statement is completed, we ask the Senate be in recess subject to the call of the Chair, and at some subsequent time after we come back, I understand some people may want to raise a point of order against this amendment.

Mr. HELMS. I understand the same thing. I have about 2 minutes more. I will stop now.

Mr. REID. No, no. We thought the Senator from North Carolina was going to speak much longer. We would be happy to wait until—

Mr. HELMS. I wouldn't think of putting you in that position.

Mr. President, let me yield to the Senator on condition that I will have the floor when the Senate reconvenes.

Mr. REID. It is my understanding the Senator would want the floor when the Senate comes back in session?

Mr. HELMS. I think that was my unanimous consent request.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. REID. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair on the condition that when the Senate does reconvene the Senator from North Carolina will resume the floor.

There being no objection, the Senate, at 2:32 p.m., recessed subject to the call of the Chair and reassembled at 3:37 p.m. when called to order by the Presiding Officer (Mr. CARPER).

The PRESIDING OFFICER. Who seeks recognition?

The Senator from North Carolina.

Mr. HELMS. Forgive me for not standing, but who has the floor?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2002—Continued

AMENDMENT NO. 1724

Mr. HELMS. Mr. President, I will finish my statement in a moment, but, first of all, I ask unanimous consent that the Senator from Nebraska, Mr. HAGEL, be added as a cosponsor to amendment No. 1724, now pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I do not know how many people were listening breathlessly when I made the first part of my statement earlier today, but I will not repeat it. I will have mercy upon you.

This is a very important amendment. I want to serve notice to the managers of the bill that I shall not contest or try to contest any motion that may be

made on this amendment. I do hope the managers will give some thought as to whether they will support my offering this amendment freestanding as a bill, but that is up to them.

Mr. President, to complete my statement that I began earlier, the Veterans of Foreign Wars of the United States has sent me a letter in support of my amendment. I want to read part of it. It is from Robert E. Wallace, the Executive Director. It is addressed to all Members of the Senate, dated October 2. It says:

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, S. 1438, the "American Service Members' Protection Act of 2001." We think this legislation brought forward by Senators Jesse Helms (R-NC) and Zell Miller (D-GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation's military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

We oppose the International Criminal Court (ICC) in its present form. We believe it poses a significant danger to our soldiers, sailors, airmen, and Marines, who are deployed throughout the world. U.S. military personnel and other U.S. Government officials could be brought before this court even though the United States is not a party to the treaty. The court will claim jurisdiction to indict, prosecute, and imprison persons accused of "war crimes," "crimes against humanity," "genocide," and other "crime of aggression" (not yet defined by the ICC.)

I ask unanimous consent the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS OF THE  
UNITED STATES,

Washington, DC, October 2, 2001.

To: All Member of the U.S. Senate.

From: Robert E. Wallace, Executive Director.

On behalf of the 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, I want to express our strong support for amendment number 1690 to the National Defense Authorization Act, S. 1438, the "American Service Members' Protection Act of 2001." We think this legislation brought forward by Senators Jesse Helms (R-NC) and Zell Miller (D-GA) is an appropriate response to the threat to American sovereignty and international freedom of action posed by the International Criminal Court. Also, we believe it is essential that our nation's military personnel be protected against criminal prosecution under procedures inconsistent with our Constitution.

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